



Superfund Records Center  
SITE: Cannon Engineering  
BREAK: 11-9  
OTHER: 562889

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J. F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203

March 28, 1986



SDMS DocID

562889

URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY  
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

NORTH EAST PRODUCTS  
MR. ATERTON G. CUTTER, PRESIDENT  
2000 FLEET BANK BLDG.  
PROVIDENCE, RI

Facility: NORTH EAST PRODUCTS  
52 FERRY ST  
FALL RIVER, MA 02721

Re: The Cannons Engineering Corporation site in Bridgewater, Massachusetts; the Cannons Engineering Corporation site in Plymouth, Massachusetts; the Gilson Road site in Nashua, New Hampshire; and the Tinkham Garage site in Londonderry, New Hampshire, hereinafter collectively referred to as the Sites

DEAR MR. ATERTON G. CUTTER, PRESIDENT:

This letter is to notify you of potential liability which your company has or may have incurred with respect to the above-referenced Sites, to request your voluntary participation in undertaking clean-up activities at the Sites, to request that you make restitution by payment of the costs incurred by the United States in response actions at the Sites, and to request that you provide information concerning your company's involvement with the Sites.

NOTICE OF POTENTIAL LIABILITY  
AND REQUEST FOR PARTICIPATION IN CLEAN-UP ACTIVITIES

The United States Environmental Protection Agency ("EPA") has documented the release and threatened release of hazardous substances, pollutants and contaminants at the above referenced Sites. EPA has spent and is considering spending public funds on actions to investigate and control such releases or threatened releases at the Sites. Unless EPA determines that a responsible party will properly perform such actions, EPA will itself perform these actions pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601 et seq. (CERCLA).

Under Section 106(a) of CERCLA, Section 107(a) of CERCLA, Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. 6973 (RCRA), and other laws, responsible parties may be obligated to implement relief actions deemed necessary by EPA to protect the public health, welfare or environment and may be liable for all costs incurred by the government in responding to any release or threatened release at the Sites. Such costs may include, but are not limited to, expenditures for investigation, planning, clean-up and enforcement activities. Responsible parties under CERCLA include current and former owners and operators of the Sites as well as persons who arranged for disposal of hazardous substances found at the Sites, and persons who accepted hazardous substances for transport to the Sites.

EPA has evaluated a large body of evidence in connection with its investigation of the Sites, including business records maintained by the Cannons Engineering Corporation, records maintained by the Commonwealth of Massachusetts, records and transcripts from civil and criminal enforcement actions undertaken by the states of Massachusetts and New Hampshire in connection with the Sites, and interviews and testimony given by persons familiar with the activities of the Sites. Based on this evidence, EPA has concluded that wastes shipped to the Bridgewater Site were indiscriminately commingled at the Bridgewater Site and shipped to other Superfund Sites during certain time periods: April 6, 1976 through June 12, 1980 to the Plymouth Site; January 23, 1978 through November 1, 1979 to the Londonderry Site; and June 22, 1978 through October 4, 1979 to the Nashua Site. In addition, EPA has identified several potentially responsible parties whose wastes were shipped to the Nashua Site independent of the Cannons Engineering Corporation operations.

Based on these investigations, EPA has determined that your company is a potentially responsible party with respect to the Bridgewater, Plymouth, Londonderry and Nashua Sites.

Specifically, EPA has reason to believe that you did, by contract, agreement, or otherwise, arrange for the disposal, treatment, or transportation for disposal or treatment, of hazardous substances at the Bridgewater Site during the time periods in which waste was shipped from the Bridgewater site to the Plymouth, Londonderry, and Nashua sites. By this letter, EPA notifies you of your potential liability in regard to these Sites and encourages you, as a potentially responsible party, to undertake voluntarily the clean-up activities that EPA has determined are required at the Sites.

EPA is planning to conduct the following studies and activities at the Sites:

1. Design and implementation of the remedial action selected and approved by EPA for the Bridgewater Site from among those proposed in the Remedial Investigation and Feasibility Study for the Site, expected to be published during the summer of 1986;
2. Implementation of the remedial action operable unit approved by EPA for the Plymouth Site on September 30, 1985, including dismantling and removal of surface storage tanks and further sampling and analysis as specified in the Record of Decision for the Site;
3. Design and implementation of the remedial action selected and approved by EPA for the Plymouth Site after the operable unit remedial action has been completed;
4. Design and implementation of the remedial action selected and approved by EPA for the Londonderry Site from among those proposed in the Remedial Investigation and Feasibility Study for the Site, expected to be published during the summer of 1986; and
5. Provision of any monitoring, operation and maintenance necessary at the Bridgewater, Plymouth, Londonderry and Nashua Sites after the remedial actions are completed.

In addition to those enumerated above, EPA may, pursuant to its authorities under CERCLA and other laws, decide that other clean-up activities are necessary to protect public health, welfare or the environment.

In accordance with CERCLA and other authorities, EPA and the states of New Hampshire and Massachusetts have already undertaken a variety of response actions at these Sites. Federal response actions at the Bridgewater Site include performance of a Remedial Investigation and Feasibility Study. Federal response actions at the Plymouth Site include a removal action to empty the bulk storage tanks on the Site and performance of a Remedial Investigation and Feasibility Study for the Site. Federal response actions at the Londonderry Site include the installation of a water supply pipeline to replace contaminated drinking water wells of residences in the neighborhood of the Site and performance of a Remedial Investigation and Feasibility Study at the Site. At the Nashua Site, the federal response actions began in May 1980 and continue to the present day. The federal response actions at the Nashua Site include drum removal, installation of a slurry wall, cap, and hydrologic recirculation system to minimize groundwater migration, and installation of a groundwater treatment plant. State response actions at these sites will be described in a separate letter from the respective state.

The cost to date of the response actions performed through EPA funding at the Sites is currently approximately \$15,783,558. These costs break down by Site as follows:

Bridgewater	\$1,099,349
Plymouth	\$921,602
Nashua	\$12,437,678
Londonderry	\$1,324,929
 TOTAL	 \$15,783,558

The Agency anticipates expending additional funds for response activities at the Sites under the authority of CERCLA and other laws, including those response activities described above. However, before EPA undertakes these response activities, we wish to discuss your company's voluntary participation, with other potentially responsible parties, in an agreement providing for the performance of the necessary response measures and for resolution of any other liabilities that may exist in connection with the Sites.

To initiate negotiations about the possible involvement of potentially responsible parties in further response activities, EPA will conduct a meeting with potentially responsible parties on May 1, 1986, at 9:00 AM, at the Sheraton Boston Hotel and Towers, 39 Dalton Street, Boston, Massachusetts. Registration for those in attendance at this meeting will begin at 8:30 AM. At the meeting, EPA will detail the existing knowledge about conditions at the Sites and describe the response activities that have been taken at the Sites to date. In addition, the Agency will propose a structure for negotiations to resolve the potential liabilities of responsible parties on the Sites. Because of the large number of potentially responsible parties, EPA will not negotiate with individual persons or companies, but will ask the potentially responsible parties at the meeting to appoint a committee to represent them in negotiations.

#### REQUEST FOR INFORMATION

EPA is continuing to investigate the disposal of hazardous wastes and substances at these Sites and several other sites in the New England area. Our investigation requires inquiry into the circumstances surrounding the disposal of chemical substances by parties which may be connected to these sites.

Pursuant to the authority of Section 3007 of RCRA, 42 U.S.C. 6927, and Section 104 of CERCLA, 42 U.S.C. 9604, you are hereby requested to respond to the information requests set forth in the enclosure to this letter (entitled "Information Request Addendum") on the basis of all documents of the respondent in its possession, custody or control, or the

possession, custody, or control of former or current employees, agents, servants or attorneys of the respondent which relate in any way to the information you provide. You are also requested to provide copies of all such documents.

Failure to respond to each and every request in the Information Request Addendum within thirty (30) days of receipt of this letter, or to adequately justify such failure to respond, may result in enforcement action by EPA pursuant to Section 3008 of RCRA, 42 U.S.C. 6928, under which EPA may seek the imposition of penalties of up to \$25,000 for each day of continued non-compliance.

#### TIMING AND FORM OF RESPONSES TO THIS LETTER

As a potentially responsible party, you should notify EPA in writing within thirty days from receipt of this letter of your willingness to participate in or conduct any of the activities described above. If EPA does not receive a timely response, EPA will assume that your company does not wish to negotiate a resolution of its liabilities in connection with the Sites, that your company has declined any involvement in the clean-up activities, and that your company has declined to reimburse the government for the Site expenditures described above. In the absence of voluntary participation by potentially responsible parties in Site cleanup activities, EPA may itself undertake these activities as well as any other activities deemed by EPA to be a necessary part of the clean-up process. EPA may then pursue civil litigation against the responsible parties seeking reimbursement of its Site expenditures.

Your letter should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in voluntary clean-up action, or involved in a lawsuit regarding any of the Sites, you should continue such activities as you see fit. This letter is not intended to advise you or direct you to restrict or discontinue any such activities; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

All responses to this letter and to the accompanying Information Request Addendum should be sent to:

Gregory A. Roscoe  
US Environmental Protection Agency  
P.O. Box 3254  
Reston, Virginia 22090

If you have an attorney handling your involvement in this matter, please direct his or her written questions to E. Michael Thomas of the EPA Office of Regional Counsel at the following address:

E. Michael Thomas, Esq.  
EPA Office of Regional Counsel  
JFK Building, Room 2203  
Boston, Massachusetts 02203

EPA intends to address all general questions during the presentations and question and answer periods at the May 1 meeting. In view of the large number of parties involved in this matter, the Agency asks that you refrain from calling the Agency offices with general questions and instead raise them at the May 1 meeting. If you have specific questions that must be answered before that date concerning your response to this letter or to the Information Request please call (617) 223-0171 or (617) 223-0172 between the hours of 1 PM and 5 PM, Eastern time.

EPA would like to encourage good faith negotiations between you and the Agency and among you and other parties potentially responsible for the Sites. A list of the names of other potentially responsible parties associated with the Sites is enclosed with this letter so that you may schedule meaningful discussions with other potentially responsible parties regarding cleanup efforts and quickly organize yourself into a single representative body to facilitate negotiations with the Agency. This list represents EPA's preliminary findings on the identities of potentially responsible parties. Inclusion on the list does not constitute a final determination by the Agency concerning the liability of any party for the hazard or contamination at the Sites.

The factual and legal discussions in this letter are intended solely to provide notice and information, and such discussions are not to be construed as a final agency position on any matter set forth herein. Due to the seriousness of the environmental and legal problems posed by conditions at the Sites, EPA urges that immediate attention and a prompt response be given to this letter.

Sincerely,

Merrill S. Hohman, Director  
Waste Management Division

cc: Regional Counsel, Region I  
Director, Office of Waste Programs Enforcement  
Director, Office of Emergency and Remedial Response  
Office of Enforcement and Compliance Monitoring  
Office of the New Hampshire Attorney General  
Office of the Massachusetts Attorney General

## INFORMATION REQUEST ADDENDUM

Re: The Cannons Engineering Corporation site in Bridgewater, Massachusetts; the Cannons Engineering Corporation site in Plymouth, Massachusetts; the Gilson Road site in Nashua, New Hampshire; and the Tinkham Garage site in Londonderry, New Hampshire

Pursuant to the authority of Section 3007 of RCRA, 42 U.S.C. 6927, and Section 104 of CERCLA, 42 U.S.C. 9604, you are hereby requested to respond to the Information Requests set forth herein on the basis of all documents in the possession, custody or control of the respondent, or in the possession, custody, or control of former or current employees, agents, servants or attorneys of the respondent which relate in any way to the information you provide. You are also requested to provide copies of all such documents.

Failure to respond to each and every request in this Information Request Addendum within thirty (30) days of receipt of the letter which this Addendum accompanies, or to adequately justify such failure to respond, may result in enforcement action by EPA pursuant to Section 3008 of RCRA, 42 U.S.C. 6928, under which EPA may seek the imposition of penalties of up to \$25,000 for each day of continued non-compliance.

All responses to this Information Request should be sent to:

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US Environmental Protection Agency  
P.O. Box 3254  
Reston, Virginia 22090

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E. Michael Thomas, Esq.  
EPA Office of Regional Counsel  
JFK Building, Room 2203  
Boston, Massachusetts 02203



## PRELIMINARY STATEMENT AND DEFINITIONS

1. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, unincorporated association, partnership, corporation, trust or other entity, unless the context indicates otherwise.
2. As used herein, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including without limitation: any invoices, receipts, endorsements, trip tickets, certificates of disposal, bills of lading, manifests, checks, bank drafts, cancelled checks, deposit slips, withdrawal slips, orders, correspondence, book records, memoranda, notes, contracts, minutes, memoranda of telephone and other conversations, memoranda of any meetings, diaries, calendars, desk pads, scrapbooks, notebooks, bulletins, circulars, forms, pamphlets, statements, journals, postcards, letters, telegrams, telexes, reports, notices, messages, analyses, comparisons, graphs, charts, interoffice or intraoffice communications, photostats or other copies of any documents, microfilm, or other film records; any photographs; any sound recordings of any type; any punch cards, discs or disc packs; any tapes or other types of memory or recordings generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc or disc pack, tape or other type of memory and together with printouts of such punch card, disc, disc pack, tape or other type of memory); including for each document (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
3. The term "identify" or "identity" means, with respect to a natural person, to set forth his or her full name, present or last known business and residence address, his or her employer, the position or positions held with that employer and a description of the job responsibilities of such person.
4. The term "identify" or "identity" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship): set forth its full name, address, legal form (e.g. corporation, partnership, etc.), principal place of business, state of incorporation or organization, if any, and a brief description of its business.

5. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee, and/or recipient, and the substance of the subject matter.

6. The term "fact" as used herein includes, without limitation, the following: circumstances, occurrences, occasions, events, incidences, oral communications, writings, episodes, experiences, happenings, transactions, and all manner of other affairs, matters, or things.

7. The term "respondent" as used herein means the addressee of the notice letter to which this Information Request Addendum is attached. If the addressee of the notice letter is a Registered Agent receiving the notice letter on behalf of another person, then the term "respondent" means that person on whose behalf the Registered Agent is receiving the notice letter, as indicated in the address portion of the notice letter.

8. The term "transaction" means every separate act, deal, instance, or occurrence.

9. The term "waste chemical substance" means any substance which is, or which contains, any pollutant, contaminant, chemical, element, chemical compound, or mixture of pollutants, contaminants, chemicals, elements, or chemical compounds, including petroleum and any or all of its constituents or fractions or additives and any mixture thereof.

10. The term "petroleum" means petroleum, including crude oil or any constituent or fraction thereof.

11. The term "additive" means any substance added to or mixed with petroleum, as petroleum is defined in definition 10, which additions or mixtures occurred while the petroleum was in the possession, custody, or control of the respondent or of any person acting on behalf of the respondent or at the respondent's request.

12. Unless otherwise indicated, each question is to be answered for the period from 1974 to 1981.

13. If any of these questions cannot be answered in full, then you should answer to the extent possible, specify the reason for your inability to answer the remainder and state whatever information or knowledge you have concerning the unanswered portion. In answering the question, furnish such information as is available to you, regardless of whether or

not it is based on personal knowledge or records of respondent, its agents or representatives or from others or others' records, regardless of source.

14. To the extent that any information you provide of the facts relating to these requests is a result of your personal knowledge, or the personal knowledge of employees, agents, or other representatives of the respondent, the response shall be in the form of an affidavit attesting to the accuracy and completeness of the responses.

15. Return your response to the address above along with a notarized affidavit from a responsible company official or representative stating that a diligent record search has been completed and that there has been a diligent interviewing process with present and former employees who may have knowledge of the operations, chemical use, and waste disposal practices of the respondent between 1974 and the present. Also include in the affidavit a statement that any and all information responsive to this Information Request is being forwarded to EPA and that all such information is complete and accurate.

16. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.

17. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, et seq.

18. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. See 41 Federal Register 36902 et seq. (September 1, 1976); 43 Federal Register 4000 et seq. (September 8, 1978); 50 Federal Register 51654 et seq. (December 18, 1985). If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

19. Information that you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.305(h) and 2.310(h), notwithstanding your assertion that all or part of it is confidential business information. See 50 Federal Register 51663 (December 18, 1985). Please be advised that EPA intends to disclose all responses to this Information Request to its contractor, TechLaw, Inc. (Contract Number 68-01-7037), which EPA has retained on this matter to organize and analyze the information contained in these Information Request responses. If you are submitting information that you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within 10 days of receiving this Information Request. EPA intends to disclose all information submitted in response to this Information Request which pertains to sites in Massachusetts to the Office of the Massachusetts Attorney General. Similarly, EPA intends to disclose all information submitted in response to this Information Request which pertains to sites in New Hampshire to the Office of the New Hampshire Attorney General. The disclosures to the state Attorneys General will be made pursuant to 40 C.F.R. 2.310(h)(3). See 50 Federal Register 51663 (December 18, 1985).

#### INFORMATION REQUESTS

- I. Identify the respondent.
- II. Identify the Registered Agent for the respondent.
- III. Identify the individual or individuals answering these requests on behalf of respondent.
- IV. Identify all persons consulted in the preparation of the answers to these requests.
- V. Identify all documents consulted, examined, or referred to in the preparation of the answers to these requests and provide copies of all such documents.
- VI. Provide all facts concerning any and all transactions for the transportation or disposal of waste chemical substance between the respondent and any and all persons listed in Attachment A. In your description, include the following for each transaction:
  - A. Provide the date of each and every transaction between the respondent and the persons listed in Attachment A.

B. Identify the person or persons with whom the transaction occurred.

C. Specify the quantity of the waste chemical substance involved (weight and/or volume) in each transaction and the total quantity for all transactions.

D. For each transaction, describe the nature of the waste chemical substance including the chemical content, the characteristics, the process for which the substance was used or the process which generated the substance. For waste chemical substances which are petroleum, describe any additives which were added or may have been added to the petroleum including the chemical content of the additive, the characteristics of the additive, the purpose for which the additive was added to the petroleum, the amount added, the date on which the additive was added, the means by which the additive was added and the identity of the person who added the additive. Also describe how the petroleum was used by respondent and provide all analytical results concerning the petroleum or the additive.

E. Provide all analytical results concerning the waste chemical substance.

F. Provide the amount paid in connection with the transaction and the method of payment, and identify the person to whom payment was made.

G. Identify all documents relating to each transaction.

H. Identify all employees, agents, or other representatives of the respondent who were involved in the transaction or who had knowledge of facts pertaining to the transaction.

I. Describe the intended method, means, and site of treatment or disposal of the waste chemical substance involved in the transaction.

J. Describe the actual method, means, and site of treatment or disposal of the waste chemical substance involved in the transaction.

K. Describe whether the waste chemical substance involved in the transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal.

L. Describe the measures taken by you to determine the actual methods, means, and site of treatment or disposal of the waste chemical substance involved in the transaction.

VII. Provide any and all information which you have concerning the presence, at any time from 1974 until the present date, of any waste chemical substance at any of the sites described in Attachment B, to the extent that this information has not been provided in response to other questions in this request. (If information responsive to this request has been provided elsewhere, please reference that information in responding to the subparagraphs of this request.) Your response for each site should include, but not be limited to, the following:

A. Provide the date of each and every transaction which resulted in waste chemical substance being taken to the site.

B. Specify the quantity of waste chemical substance taken to the site (weight and/or volume) for each individual transaction and the total quantity for all transactions.

C. For each transaction in connection with the site, describe the nature of the waste chemical substance taken to the site, including the chemical content, the characteristics and the process for which the substance was used or the process which generated the substance. For waste chemical substances which are petroleum, describe any additives which were added or may have been added to the petroleum including the chemical content of the additive, the characteristics of the additive, the purpose for which the additive was added to the petroleum, the amount added, the date on which the additive was added, the means by which the additive was added and the identity of the person who added the additive. Also describe how the petroleum was used by respondent or how it came in contact with the additive and provide all analytical results concerning the petroleum or the additive.

D. For each transaction, identify any and all persons who transported, treated, stored, disposed of, or otherwise handled waste chemical substance taken to the site.

E. For each transaction, identify any and all person or persons who generated the waste chemical substance taken to the site.

F. Identify all documents relating to waste chemical substance at the site.

G. For each transaction in connection with the site, provide the amount paid and the method of payment, and identify the person to whom payment was made.

H. Identify all employees, agents, or other representatives of the respondent with knowledge of facts pertaining to waste chemical substance at the site.

I. Describe whether waste chemical substances were transshipped through, or were stored or held at, any intermediate site prior to being placed at the site.

J. Provide all analytical results concerning the waste chemical substance.

K. Describe the measures taken by you to determine the actual methods, means, and site of treatment or disposal of the waste chemical substances sent to this site.

ATTACHMENT A: Persons Referenced in the Information Request

Cannons Engineering Corporation, Inc.  
Bridgewater, Massachusetts and Plymouth, Massachusetts  
Principals: J. Robert Cannon, President  
              Scott Cannon, Vice President

Chem-Waste, Inc. (Note: This is a separate company from and  
is not affiliated with Chem Waste Management)  
Londonderry, New Hampshire  
Principals: Richard A. French, President  
              John D. Tinkham, Vice President and Treasurer

Liquidator, Inc.  
Dorchester, Massachusetts  
Principals: Jack Greenberg, President  
              Mark Astroff, Company Sales Representative

Tinkham Enterprises (Also doing business as Water Services,  
Saratoga Leasing, and H2O)  
Londonderry, New Hampshire  
Principal: John D. Tinkham, Owner

Bridgewater Oil Company  
Roxbury, Massachusetts  
Principals: Mr. Fleichman  
              George Cruz

William Sylvester  
Nashua, New Hampshire



**ATTACHMENT B: Hazardous Waste Sites Referenced in the  
Information Request**

**Cannons Engineering Corporation, Inc.  
Bridgewater, Massachusetts**

**Cannons Engineering Corporation, Inc.  
Plymouth, Massachusetts**

**Gilson Road, Sylvester's Garage  
Nashua, New Hampshire**

**Tinkham's Garage  
Londonderry, New Hampshire**